

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Paula Yontosh**  
Debtor(s)

Bankruptcy Case No.: 16-70829-JAD  
Issued Per Sep. 28, 2017 Proceeding  
Chapter: 13  
Docket No.: 31 – 15, 25  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 14, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,522 as of October 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of The Bank of New York Mellon at Claim No. 9 shall govern as to prepetition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 29, 2017

Jeffery A. Deller  
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Paula Yontosh  
 Debtor

Case No. 16-70829-JAD  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-7

User: jhel  
 Form ID: 149

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 Total Noticed: 27

Date Rcvd: Sep 29, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 01, 2017.

db +Paula Yontosh, 5480 Morridale Allport Highway, Morrisdale, PA 16858-8227  
 cr +Americredit Financial Services Inc. dba GM Financi, P O Box 183853,  
 Arlington, TX 76096-3853  
 14337135 +AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
 (address filed with court: Americredit Financial Services dba GM Financial, PO Box 183853,  
 Arlington TX 76096)  
 14350464 +AT&T c/o Bankruptcy, 1801 Valley View Lane, Farmers Branch, TX 75234-8906  
 14335805 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,  
 Arlington, TX 76096-3853  
 14350466 +Capital One, PO Box 30281, Salt Lake City, UT 84130-0281  
 14333855 +Comenity Bank/peebles, PO Box 182789, Columbus, OH 43218-2789  
 14419304 +Directv, LLC, by American InfoSource LP as agent, 4515 N Santa Fe Ave,  
 Oklahoma City, OK 73118-7901  
 14333858 +Gm Financial, PO Box 181145, Arlington, TX 76096-1145  
 14333859 +Holiday Financial Serv, 1800 Daisy Street Ext St, Clearfield, PA 16830-3254  
 14350474 +Penelec, c/o FirstEnergy, 101 Crawford's Corner Rd., Bldg #1, Suite 1-511,  
 Holmdel, NJ 07733-1900  
 14350476 +Tonia M. Torquato, esq, 919 University Drive, State College, PA 16801-6626  
 14333861 +Verizon Wireless, PO Box 49, Lakeland, FL 33802-0049

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 cr +E-mail/Text: bankruptcy.bnc@ditech.com Sep 30 2017 01:06:42 Ditech Financial LLC,  
 PO BOX 0049, Palatine, IL 60055-0001

14350463 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Sep 30 2017 01:08:55  
 American InfoSource LP as agent for, First Data Global Leasing, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 14379376 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Sep 30 2017 01:08:55  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 14333853 +E-mail/Text: banko@berkscredit.com Sep 30 2017 01:06:42 Berks Credit & Coll,  
 900 Corporate Dr, Reading, PA 19605-3340  
 14333854 +E-mail/Text: bankruptcy@cavps.com Sep 30 2017 01:07:19 Cavalry Portfolio Serv,  
 PO Box 27288, Tempe, AZ 85285-7288  
 14415984 +E-mail/Text: bankruptcy@cavps.com Sep 30 2017 01:07:19 Cavalry SPV I, LLC,  
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340  
 14333856 +E-mail/Text: bankruptcy@credencerm.com Sep 30 2017 01:07:28 Credence Resource Mana,  
 17000 Dallas Pkwy Ste 20, Dallas, TX 75248-1940  
 14333857 +E-mail/Text: bankruptcy.bnc@ditech.com Sep 30 2017 01:06:42 Ditech Financial Llc,  
 PO Box 6172, Rapid City, SD 57709-6172  
 14337033 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Sep 30 2017 01:08:55 First Data Global Leasing,  
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838  
 14350473 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 30 2017 01:06:57 PA Department of Revenue,  
 Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0496  
 14344231 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 30 2017 01:06:57  
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,  
 Harrisburg, Pa. 17128-0946  
 14333860 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Sep 30 2017 01:08:22  
 Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952  
 14361530 E-mail/Text: bnc-quantum@quantum3group.com Sep 30 2017 01:06:48  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 14519279 E-mail/Text: bankruptcy.bnc@ditech.com Sep 30 2017 01:06:42  
 The Bank of New York Mellon FKA The Bank of New Yo, c/o Ditech Financial LLC,  
 P.O. Box 6154, Rapid City, SD 57709-6154

TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr THE BANK OF NEW YORK MELLON FKA THE THE BANK OF NE  
 14350465\* +Berks Credit & Coll, 900 Corporate Dr, Reading, PA 19605-3340  
 14350467\* +Cavalry Portfolio Serv, PO Box 27288, Tempe, AZ 85285-7288  
 14350468\* +Comenity Bank/peebles, PO Box 182789, Columbus, OH 43218-2789  
 14350469\* +Credence Resource Mana, 17000 Dallas Pkwy Ste 20, Dallas, TX 75248-1940  
 14350470\* +Ditech Financial Llc, PO Box 6172, Rapid City, SD 57709-6172  
 14350471\* +Gm Financial, PO Box 181145, Arlington, TX 76096-1145  
 14350472\* +Holiday Financial Serv, 1800 Daisy Street Ext St, Clearfield, PA 16830-3254  
 14350475\* +Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952  
 14350477\* +Verizon Wireless, PO Box 49, Lakeland, FL 33802-0049

TOTALS: 1, \* 9, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
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Page 2 of 2  
Total Noticed: 27

Date Rcvd: Sep 29, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 01, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 29, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS INC., ASSET-BACKED CERTIFICATES, SERIES 2007-12 bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Paul W. McElrath, Jr. on behalf of Debtor Paula Yontosh ecf@mcelrathlaw.com,  
donotemail.ecfbackuponly@gmail.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4